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L A W S of Maryland,

E N A C T E D

At a Session of Assembly, begun and held
at the City of *Annapolis*, on *Thursday*,
the Twentieth Day of *March*, in the
Twentieth Year of the Dominion of the
Right Honourable *CHARLES*, Lord
Baron of *Baltimore*, Absolute Lord and
Proprietary of the Provinces of *Mary-*
land and *Avalon*, &c. *Annoq; Domini 1734.*



By A U T H O R I T Y.

A N N A P O L I S:

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(Price Two Shillings to those who bought the whole Body of
Laws, and Two Shillings and Six Pence to others.)



At a Session of ASSEMBLY, begun and held at the City of ANNAPOLIS, in MARYLAND, the Twentieth Day of March, 1734, the following Laws were Enacted.

An Act to adjourn the Courts of Assize, Nisi Prius, and Goal Delivery, Provincial Court; and to continue the Process and Proceedings in some of the County Courts within this Province; and to enlarge the Time for taking out Executions.

WHEREAS several of the Justices of the Provincial and County Courts of this Province, as well as several of the practising Lawyers in the said Courts, are Members of the Lower House of Assembly, and obliged to attend their Duty therein, so that the Business depending in the said Courts cannot be carried on and dispatched, without obstructing the Publick Affairs of the whole Province: For Remedy whereof,

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Assizes appointed to be held in April, in the Year Seventeen Hundred and Thirty Five, shall be held in the Month of May, in the same Year, as followeth; viz. In Baltimore County Court-house, the First Tuesday in the same Month; in Annapolis, for Anne-Arundel County, the Monday after; in Calvert County Court-house, the Friday after; in St. Mary's County Court-house, the Wednesday after; in Charles County Court-house, the Monday after; and in Prince George's County Court-house, the Friday after: In Somerset County Court-house, the First Tuesday in the same Month; in Dorchester County Court-house, the Monday after; in Talbot County Court-house, the Thursday after; in Queen-Anne's County Court-house, the Wednesday after; in Kent County Court-house, the Monday after; and in Cecil County Court-house, the Friday after: And that all Process, Recognizances, and Proceedings of every Kind, either Civil or Criminal, taken or made, or which ought to have been taken, or made returnable to the Assizes, appointed by Law to be held in the Month of April aforesaid, shall be deemed, construed, taken, and adjudged, as if taken, or made returnable to the Assizes, appointed by this Act to be held in the Month of May, as aforesaid.

AND be it further Enacted, That the Provincial Court, appointed to be held on the Third Tuesday of May, Seventeen Hundred and Thirty Five, shall be adjourned to, and held on the Second Tuesday of July next
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ensuing the said Third *Tuesday* of *May*; and that all Writs, Proceſs, and Proceedings whatsoever, Civil and Criminal, issued, made, taken, or returnable, to the Third *Tuesday* in *May* aforesaid, shall be held, deemed, taken, construed, and adjudged, as if made, issued, or taken, returnable to the said Second *Tuesday* in *July* aforesaid: And that Notice of Tryal, or of the Execution of Warrants of Re-survey, or other Proceedings, preparatory to a Tryal, in any Cause being given within the Time limited by Law, before the holding of the *Affizes* or *Provincial Court*, according to the Directions of this Act, shall be as available in Law, to all Intents and Purposes, as if given within the limited Time before the usual Times of holding the said several and respective Courts.

AND be it further Enacted, by the Authority aforesaid, That all Judgments and other Proceedings, either Civil or Criminal, which shall be rendered or had at the Courts of *Affizes*, *Nisi Prius*, *Oyer and Terminer*, and *Goal Delivery*, to be held in the Month of *May*; and in the *Provincial Court* to be held in *July*, according to the Directions of this Act, shall be as good, valid, and effectual, to all Intents and Purposes, as if the said Courts were to be held in the Months of *April* and *May*, according to the Laws now in Being: And that no Judgment or Execution, either Civil or Criminal, shall be stayed, arrested, or reversed, for or by reason of any Variance, or other Defect or Error in any Writ, Proceſs, or Proceeding whatsoever, that shall be occasioned by holding the several Courts in this Act mentioned, according to the Directions thereof; any Law, Usage, or Custom to the contrary, notwithstanding.

AND be it further Enacted, That no Action or Actions now depending in the *Provincial Court* be discontinued, for or by reason that such Action or Actions hath or have been continued longer than the several Acts of Assembly limiting the Continuance of Actions prescribe; and that it shall and may be lawful for the Justices of the *Provincial Court*, to continue any Action or Actions now depending in the said Court, and which hath or have been already depending longer than the Time limited for Continuance of Actions; or which cannot conveniently be tried within the Time now limited by Law, Two Courts longer than the Laws now in Being, limit and appoint; any Law, Usage, or Custom to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the several and respective Justices of the County Courts within this Province, who already have adjourned, or shall adjourn this present *March* Court to any Time before *June* Court next; and who shall be hindered from proceeding to Business, either by the Continuance of this Session of Assembly, or Sitting of the Superiour Courts of Judicature, or who shall not be able to finish the Business before them at the Times to which such Adjournments have been made or shall be made, to continue any Cause or Causes in their said respective Courts, until next *June* Court; and if Need be, to continue any Suit or Action now depending in any of their Courts, for Two Courts longer than the Number of Courts limited and prescribed by the Act, intituled, *An Act to limit the Continuance of Actions in several Courts within this Province; and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governour and Council*; any Thing in the said recited Act, or any other Law to the contrary, notwithstanding.

AND

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That no Judgment which shall be recovered in any County Court of this Province, which hath been or shall be adjourned to any Time between this present March and June next, at the Time of such Adjournment; or which shall be rendered or recovered next June Court, in any Action now actually depending and tryable in March Court, shall be subject or liable to be superseded by Virtue of the Act for Stay of Execution after the Tenth Day of May Yearly, or the Supplementary Act thereto, until the First Day of August next; any thing in the said Acts, or any other Law to the contrary, notwithstanding.

An Act for the explaining and carrying into Execution, An Act, intituled, An Act for laying out and applying Three Thousand Five Hundred Pounds, Current Money of Maryland, to the Uses therein mention'd.

WHEREAS an Act of Assembly, past at a Session of Assembly, held at the City of *Annapolis*, on *Tuesday* the Thirteenth Day of *March*, in the Year of Our Lord, One Thousand Seven Hundred and Thirty Two, intituled, *An Act for laying out and applying Three Thousand Five Hundred Pounds, Current Money of Maryland, to the Uses therein mentoned*; whereby the Honourable *Samuel Ogle*, Esq; was impowered and authorized to purchase convenient Ground for the Use of the Publick in the City of *Annapolis*, for the Purposes therein mentioned.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the said Samuel Ogle, may be, and is hereby impowered and authorized to purchase convenient Ground for the Purposes in the said Act mentioned, within the City of Annapolis, or in the Lands contiguous and adjacent to said City; so that the said Ground so to be purchased, be within the Fence or Inclosure, or now esteemed and taken to be the Fence and Inclosure of the said City; any thing in the said recited Act to the contrary, notwithstanding.

AND whereas by the said recited Act, the Honourable *Charles Calvert*, Esq; *Benjamin Taster*, Esq; and *Edmund Jennings*, Esq; *John Eeale*, Esq; *Ralph Crabb*, and *Philip Hammond*, Gentlemen, or the major Part of them, were authorized and impowered to apply the Sum of Five Hundred Pounds for the Purposes therein mention'd; but Three of the said Persons are since deceas'd; so that the Commissioners, or Trustees, for emitting the Bills of Credit, according to Act of Assembly, cannot safely pay the said Sum of Five Hundred Pounds to the surviving Three Persons; whereby the Intent and Design of the said Act is rendered Frustrate, and of no Effect;

BE it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That Benjamin Taster, Esq; and Richard Francis, Esq; Mr. Philip Hammond, Mr. Vachel Denton, and Capt. Robert Gordon, or the

the Majority of them, are hereby impowered and authorized, to apply the Sum of Five Hundred Pounds, (to be paid to Them in Manner herein after directed,) in and towards such Repairs of the Council-House, the Stadt-House, and the Parade, in *Annapolis*, as they shall think most proper : And that the Commissioners, or Trustees, for emitting the Bills of Credit, by Act of Assembly, shall issue and pay the said Money, according to the Directions of the said *Benjamin Tasker, Edmund Jennings, Richard Francis, Philip Hammond, Vachel Denton, and Robert Gordon*, or the major Part of them.

An Act for relieving sundry Inhabitants in this Province, from the Charges of Prosecutions for not burning Tobacco, in Pursuance of an Act of Assembly, intituled, An Act for Emitting and making Current, Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit.

FORASMUCH as many Persons, by the Act of Assembly, intituled, *An Act for Emitting and making Current, Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit*, are required to burn One Hundred and Fifty Pounds of Tobacco for each Taxable, by the Shortness of the last Crops, have not been, nor are, able so to do, but are willing to pay the Twenty Shillings imposed in Lieu thereof; and yet subject to an expensive Prosecution in the County Courts : For Prevention whereof,

BE it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of the several County Courts shall receive all such Sums of Money, as are or shall become due by Means of the said Act for the not burning Tobacco, that shall be tendered to them; and that all Persons that have or shall make Default in burning the Tobacco by the said Act required, (whereof Prosecutions are not already begun for the same,) by the Payment or Tendering, as aforesaid, of the Twenty Shillings *per* Taxable, for every Hundred and Fifty Pounds of Tobacco by such Person neglected to be burnt, unto the Justices of the County Court where the Neglect hath or shall happen, or to any Person or Persons by them authorized, shall be freed from all Prosecutions and Charges for the not burning Tobacco, as aforesaid; and that the Justices of the County Courts, when it shall appear, by comparing the Constables Lists with the Burners Lists, that any Person hath made or shall make Default in burning Tobacco, shall call the Party supposed to have failed in his Duty before them, by Summons, or otherwise; and if such Person appears to have made Default, to give Judgment in a Summary Way for the Twenty Shillings *per* Taxable, and award Execution thereon, if Occasion be, without any other Cost to the Party charged, than that of the Clerk's and Sheriff's Fees for Summons, Judgment, and Execution.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of the County Courts shall, by the Twenty Fifth Day of *December* next, transmit to the Commissioners of the Paper Currency

Currency for the Time being, at the Risque of the Province, all the Money that shall be by them, or their Order, received, by Virtue of this Act, with an Account thereof; and that the Justices, for their Trouble therein, shall have and receive Five Pounds *per Cent.* for what they shall receive.

A N D whereas it is doubted by many, Whether the Inhabitants of this Province, who are by the said Law obliged to burn One Hundred and Fifty Pounds of trashy Tobacco *per Taxable*, should do so by the Lists of Taxables taken in the Year Seventeen Hundred and Thirty Three, or in the Year Seventeen Hundred and Thirty Four: To remove which Doubt, it is thought proper it should be Enacted;

AND be it Enacted, and Declared, by the Authority, Advice, and Consent aforesaid, That the Burning for this present Year be, and ought to be, according to the Lists of Taxables last taken; any thing to the contrary thereof, in the said Act, notwithstanding.

A Supplementary Act, to the Act, intituled, An Act laying an Imposition on Negroes, and on several Sorts of Liquors imported: And also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.

FORASMUCH as it appears to this General Assembly, to be a Hardship upon the Importers of Servants and Slaves into this Province, to pay Duty for such as shall happen to die, or be exported again before Sale: *Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That no Person, or Persons whatsoever, hereafter, importing any Servants or Slaves, shall be chargeable with or liable to pay any Duty for any Servant or Slave that shall happen to die, or be exported out of this Province, before Sale of the said Servant or Slave.

PROVIDED always, That such Death, or Exportation, shall happen within Three Months after the Importation of such Servant or Slave; and that the said Person or Persons, who shall desire the Benefit of of this Act, shall declare on his, her, or their corporal Oaths, to be administered by the Naval Officer, on the Holy Evangelists of Almighty God, That such Servant or Servants, Negroe or Negroes, exported or dead, within the said Time of Three Months, is or are Part of the Servants or Negroes imported or made Entry of; any Law, Usage, or Custom to the contrary, in any wise, notwithstanding.

A N D whereas divers Frauds have been committed by fundry Persons, not Inhabitants of this Province, importing Negroes from *Pennsylvania, Virginia*, and other Provinces, who make Sale of the said Negroes without Payment of the Duties arising on such Negroes: For Prevention whereof for the Future,

BE it Enacted, by the Authority, Advice, and Consent aforesaid, That all and every Person or Persons, in whose Custody any Negroe or Negroes so imported into this Province shall be found, shall be deemed to be the Importer or Importers, and liable to pay the Duties due by Law, to the Naval Officer of the District where the said Person or Persons reside, under the Penalties by former Acts of Assembly in such Cases inflicted upon the Importer or Importers of any Negroe or Negroes, concealed, kept back, or unaccounted for, by him, her, or them: To be recovered in the Manner, and to the Uses, directed by the aforesaid Acts of Assembly.

AND for the more effectual discovering what Rum, Wine, and Spirits, by the before-mentioned Act liable to the Payment, of Duty, shall be brought into this Province:

BE it Enacted, by the Authority, Advice, and Consent aforesaid, That after the End of this Session of Assembly, every Naval Officer within this Province, before he shall make Entry of any such Rum, Wine, or Spirits, shall require and receive, from the Person applying to make the said Entry, an Invoice on Oath, of the Quantity of Gallons, which the Cask, by him at that Time imported, gage in Wine Gallons, together with the Marks and Numbers of such Cask. And if any such Person shall presume to land any such Rum, Wine, or Spirits, from on board any Ship or Vessel within this Province; or if it be brought over Land from *Pennsylvania* or *Virginia*, shall let it be Water-born in *Chesapeak-Bay*, or any the Branches thereof, before Invoice delivered, and Entry made, as aforesaid, shall forfeit the same, or the Value of it: The one Moiety thereof to the Right Honourable the Lord Proprietary, his Heirs and Successors, for the Support of Government; and the other Moiety to him or them that will seize or sue for the same: To be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Effoin, Protection, or Wager of Law, shall be allowed.

THIS Act to continue in Force, for and during the Term of Three Years, and to the End of the next Session of Assembly which shall happen after the Expiration of Three Years.

An Act for Naturalization.

FOR the easier and speedier Investing Aliens or Foreigners with all the Rights and Privileges of any His Majesty's Natural free-born Subjects within this Province: *Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That it shall and may be lawful for the Governour, or Commander in Chief, of this Province, for the Time being, by a Publick Instrument, under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, his, her, or their Child or Children, (Negroes and other Slaves excepted) being already settled, or Inhabitants of this Province, or such as shall hereafter come to settle, reside, or plant in it, and having taken the Oaths to the Government, appointed to be taken by Act of Assembly of this Province, and subscribing the Abjuration and Test, according

according to the Directions of the said Act, before the Governour or Commander in Chief, for the Time being, or a Justice of the Provincial or County Court of this Province, to be, to all Intents and Purposes, fully and compleatly naturalized: And that the said Persons so approved of, and named in the said Letters Patent, as aforesaid, shall, by Virtue of this Act, have and enjoy to them, and their Heirs, the same Immunities and Rights, of and unto the Laws and Privileges of this Province, as fully and amply as any of His Majesty's natural-born Subjects have or enjoy within the same, as if they themselves had been born within any of His Majesty's Realms or Dominions; any former Law, Ordinance, Usage, or Custom to the contrary, in any-wise, notwithstanding.

AND to the Intent the said Letters Patent, or Instrument, under the Broad Seal of this Province, as aforesaid, may be obtained without any great Difficulty or Charge, *Be it further Enacted, by the Authority aforesaid,* That the Governour or Commander in Chief, shall have and receive for the same, the Sum of Forty Shillings Current Money; and the Clerk of the Council, for Writing it, Ten Shillings.

AND be it Enacted, by the Authority, Advice, and Consent aforesaid, That it shall and may be lawful for any Person or Persons, that shall be named in such Patent, at his, her, or their own proper Cost and Charge, to have such Patent recorded in the Secretary's Office; and that an Exemplification of the Record of such Patent, under the Seal of the said Office, shall be as effectual and available to all Intents and Purposes, as the original Patent; any Law, Usage, or Custom, to the contrary, notwithstanding.

PROVIDED, That nothing in this Act contained, shall be construed, to enable or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which by any of the Acts made in *England*, concerning His Majesty's Plantations, he is disabled to do or execute.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly which shall happen after the Expiration of Three Years.

An Act concerning Ordinaries; and for the better Regulating of Inn-holders, and Ordinary-keepers, within this Province.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Publication hereof, the Justices of each County in Court sitting, be and are hereby impowered and authorized, from Time to Time, as often as Need shall require, to grant Licences to such Person or Persons as they shall think fit, being Persons of good Repute, to be Ordinary-keepers and Inn-holders, for the keeping of Ordinaries and Houses of Entertainment so long Time, and in such and so many Places, within their severall and respective Counties, for the Ease and Conveniency of the Inhabitants, Travellers, and Strangers, as to them respectively shall seem meet; for which Licences, the said Persons that shall be so licensed to keep Ordinary, as aforesaid, shall, at the Time of his and their taking
such

such Licences, enter into Recognizance to his Lordship the Lord Proprietary, for the Payment of the several and respective Sums following; that is to say, for every Licence to keep Ordinary in the City of *Annapolis*, the Sum of Five Pounds current Money, to his Lordship; and at any other Place within this Province, the Sum of Fifty Shillings current Money, for every Year such Person shall keep Ordinary, as aforesaid, to be paid, as aforesaid; for which said Licence and Recognizance, every Ordinary-keeper shall pay to the Clerk of each respective County Court, the Sum of Three Shillings, and no more.

AND be it further Enacted, by the Authority aforesaid, That the Justices of the several County Courts, be and are hereby authorized and impowered, at their several County Courts, in the Month of August, Yearly, or oftener, as they shall think fit, having summoned each respective Ordinary-keeper, within their respective County; then and there to set and assess the Rates and Prices of all Liquors and other Accomodations whatsoever in Current Money of this Province, by them the said Ordinary-keepers to be vended for the Year ensuing, and so Yearly and every Year; which Rates and Prices of all Liquors, so to be set and assessed, limited and appointed by the Justices aforesaid, shall be by their several and respective Clerks transcribed and set up at the several and respective County Courts, in some publick Places there, that every Person or Persons may peruse the same; the Copy of which Table of Prices of Liquors and Accomodations, every Ordinary-keeper within each County, is hereby obliged to keep set up in the most publick and convenient Place of their Houses, for the Perusal of all Persons that receive any Ordinary Accomodations, under the Penalty of Five Pounds Current Money, to His Lordship, His Heirs and Successors, for the Support of Government: To be sued for, on Non-Payment thereof, in His Lordship's Name, by Bill, Complaint, or Information; or upon the Presentments of any Grand Jury, without the Formality of any Indictment: For which Summons, and Table of Prices, every Ordinary-keeper shall pay to such Clerk, the Sum of Two Shillings like Money, and no more. And every Ordinary-keeper, or Inn-holder, that shall, after the setting up and assessing the Rates and Prices aforesaid, directly or indirectly, take, exact, demand, or receive, for the Price, and Pay, for any such Liquors, or other Accomodations, for which the Rates and Prices shall be assessed and set as aforesaid, of any Person or Persons whatsoever, above the Rates and Prices so set and assessed as aforesaid, shall, for every such Account, sued for, taken or received, forfeit and pay the Sum of Fifty Shillings, Current Money: One Half thereof to His Lordship, His Heirs and Successors, to be applied for the Use aforesaid; and the other Half to him or them that shall inform or sue for the same; and lose every such Debtor's Account, sued for, taken, or received, so unjustly charged, exacted, or demanded; the said Forfeiture to be recovered before any Magistrate of the County, where the Offence shall be committed, as in Case of small Debts. And be it Enacted, by the Authority aforesaid, That the Party grieved, shall be deemed a legal Witness, (being under no Incapacity of being a Witness in other Cases,) to prove any Exaction or Extortion, contrary to this Act.

AND be it further Enacted, by the Authority aforesaid, That every Ordinary-keeper, or Inn-holder, so to be licensed as aforesaid, shall, within Six Months after granting their respective Licences, be hereby obliged to provide and maintain, if they keep Ordinary at the Court-house

house in any County, Four good and substantial Beds ; or at the City of *Annapolis*, aforesaid, Six good Beds ; over and above what is for their own Families Use, with sufficient warm Covering for the same ; *Indian* Corn, Oats, Hay, Straw, and Stabling for Ten Horses at least : And if any Ordinary be kept at any other Place or Part of the County, than at the Court-house, such Ordinary-keeper shall, within the Time aforesaid, be provided with Two spare Beds with convenient Covering, and sufficient Stabling and Provinder for Six Horses at least ; under the Penalty of Ten Pounds Current Money : One Half thereof to His Lordship, His Heirs, and Successors, to be applied for the Use aforesaid ; the other Half to him or them that shall inform or sue for the same : To be recovered by Bill, Plaint, or Information ; wherein no *Essoyn*, Protection, or Wager of Law to be allowed.

PROVIDED always, That no Person or Persons so licens'd, or to be licens'd to keep Ordinary as aforesaid, shall, during the Time of such their keeping Ordinary, be Delegates, Justices of the Peace, Attorneys, Deputy-Commissaries, Clerks, Sheriffs, Deputy Sheriffs, or Jury-Men ; or hold any other Publick Office whatsoever, within this Province.

AND be it further Enacted, by the Authority aforesaid, That if any Ordinary-keeper shall keep evil Rule in his House, upon Complaint made thereof to the Justices of the County Court, of such Ordinary-keeper's Misbehaviour, or keeping evil Rule in his House, the said Justices of the County Courts, are hereby authorized and impowered, to suppress such Ordinary-keeper, and call in such Licence.

AND be it further Enacted, by the Authority aforesaid, That in case any Ordinary-keeper shall keep an irregular or disorderly House, or shall misbehave him, or herself, contrary to the Directions of this Act, that it shall and may be lawful for any Two Justices of the Peace of the County where such Ordinary shall be kept, (one of them being of the *Quorum*,) upon Complaint, or upon their own View, to suspend such Ordinary-keeper, until the next County Court ; which County Court may hear and finally determine the Matter, and either suffer such Ordinary-keeper to keep Ordinary longer, or to suppress such Ordinary.

AND be it likewise Enacted, by the Authority aforesaid, That if any Person so suspended, shall presume, during the Time of such Suspension, to keep Ordinary, that in all such Cases, he or she shall incur the same Penalty and Forfeiture, as Persons keeping Ordinary without Licence are subject to by this Act.

AND be it further Enacted, by the Authority aforesaid, That any Ordinary-keeper disabled, or suppress'd, as aforesaid, or any other Person that shall presume to keep Ordinary without Licence first had and obtained as aforesaid, shall, for every Month he or they shall keep Ordinary, forfeit and pay Ten Pounds Current Money, and so proportionably for a longer or shorter Time, that any Person shall sell Liquors, or do contrary to this Law : One Half to His Lordship, His Heirs and Successors, for the Use aforesaid ; and the other Half to him or them that shall sue for the same : To be recovered in the County Court where such Offence

shall be committed, by Bill, Plaint, or Information ; wherein no Effoyn, Protection, or Wager of Law, to be allowed.

AND be it further Enacted, by the Authority aforesaid, That no Person or Persons, inhabiting within this Province, not having lawful Licence, shall sell by Retail, unless sold at the common and usual Rates of such Liquors between Merchants and others, any Cyder, Quince-Drink or other strong Liquors, to be drank in his, her, or their Houses, or about his, her, or their Plantation ; upon the Forfeiture of every Time he, she, or they, shall be legally convicted thereof, the Sum of Five Pounds, Current Money ; One Half thereof to His Lordship, His Heirs, and Successors, for the Use aforesaid ; and the other Half to the Informer, or to him or them that shall sue for the same : To be recovered as aforesaid.

AND be it further Enacted, by the Authority aforesaid, That all licens'd Ordinary-keepers shall be provided with, and sell by sealed Measures, all Liquors, (except such as shall come into the Province in Bottles :) And that any Ordinary-keeper who shall neglect to provide and always keep a Gallon, Pottle, Quart, Pint and Half-Pint, or any of them, sealed Measures, shall forfeit and pay Five Pounds Current Money, to the Uses aforesaid ; to be recovered in the County Court where the Ordinary-keeper offending resides, by Action of Debt, Bill, Plaint, or Information ; wherein no Effoyn, Protection, or Wager of Law shall be allowed.

AND whereas it hath been found prejudicial to the Inhabitants of this Province, that Ordinary-keepers, and Inn-holders, have frequently entertained divers loose, idle and disorderly Persons, a great Time tippling at their Houses, as well to the great Damage of many Persons, as their own Ruin:

BE it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall not be lawful for any such Ordinary-keeper, or Inn-holder, to keep such Ordinary, or House of Entertainment, until he or she give good and sufficient Security, by Bond or Recognizance, to the Right Honourable the Lord Proprietary, His Heirs and Successors, in Forty Pounds Current Money, before the Justices of the County Courts where any Ordinary shall be kept, to keep good Rules and Orders ; and not to suffer idle, loose, or disorderly Persons to tipple, game, or commit other Disorders, or Irregularities, in such Ordinary, contrary to the true Intent and Meaning of this Act.

AND whereas daily Experience shews the great Prejudice to the Owners and Masters of Merchant Ships, and Vessels, trading into this Province, by Ordinary-keepers entertaining of Sailors and others, to such Ships and Vessels belonging, and trusting, and encouraging them to continue tippling in their Houses, to the Prejudice of Trade, preventing and impeding the Dispatch of such Ships and Vessels ; and very often when such Sailors have spent all their Wages in such Ordinaries, it occasions and induces them to run away, and desert the Ships and Vessels whereto they belong : For Prevention whereof,

BE it Enacted, by the Authority, Advice, and Consent aforesaid, That no Ordinary-keeper whatsoever, within this Province, shall presume to harbour or entertain any Sailor, or Sailors, or other Persons employed in loading

loading of Ships and Vessels, (the Master and Mate only excepted) to the Neglect of their Service to their respective Commanders, and Prejudice to the Dispatch of any Ship, or Vessel thereby, under the Pain and Penalty of being suspended from keeping such Ordinary : And that no Ordinary-keeper whatsoever shall credit any such Sailor, for more than Five Shillings, during any one Voyage, under the Penalty of losing his Debt, and fined to His Lordship, His Heirs, and Successors, the Sum of Twenty Shillings Current Money ; whereof One Half to be applied as aforesaid, the other Half to the Informer, or him, or them, that will sue for the same ; to be recovered as aforesaid, before a single Magistrate.

AND be it further Enacted, by the Authority aforesaid, That if any Ordinary-keeper, within this Province, shall harbour, entertain, or sell any Liquors to any Servant belonging to any Person within this Province, without Licence from their respective Master, or Mistress ; such Ordinary-keeper shall, for every such Offence, forfeit and pay Ten Shillings to the Master or Mistress of such Servant ; to be recovered with Costs, upon Complaint of the said Master or Mistress, before a Justice of the County where the said Ordinary keeper lives.

AND whereas it is a general Complaint throughout this Province, That Ordinary-keepers have made it their constant Practice to entertain Tradesmen, and other Persons, having Families, and no other Means of supporting them but their own Labour and Industry, and single disorderly Persons, tippling and gaming in their Houses, and wasting their Time and Substance, to the Ruin of their Families, and themselves, and the Encouragement of Idleness, Drunkenness, and all other Irregularities and Disorders : For Prevention of which Evils for the Future,

BE it Enacted, by the Authority aforesaid, That no Person who shall be licensed to keep Ordinary, from and after the Publication of this Act, shall suffer any Tradesmen, or other Person, having a Family, and no visible Estate whereby to support themselves, or their Families, but their own Labour and Industry, or any single Person, whether Tradesman or otherwise, not having a visible Estate, to tipple or game, in such Ordinary, other than such as shall be invited by any Traveller, and shall accompany him, only during his necessary Abode or Stay there, and other than Persons travelling upon their necessary Occasion, (so far distant from their own Habitations as may render it impracticable or inconvenient to repair thither,) to take their Diet, and other necessary Accomodations, in such Ordinary, and other, than such as may happen to be confined in such Ordinary, by Sicknes, Severity of Weather, or other Accident, on Pain of not being paid for any Liquor, or other Accomodations, which such Ordinary-keeper shall supply such Person with, or which shall be lost by any such Person, at any Game.

PROVIDED always, That no Ordinary-keeper shall be restrain'd from supplying any of the Persons herein before-mention'd, with Victuals or Liquors, in moderate and necessary Quantity, so as no Ordinary-keeper shall trust any such Person, for more than Five Shillings, or the Value thereof, in any one Year, except in such Cases, as herein before-mention'd ; to be judged of by any Judicature, having Cognizance of any Dispute concerning such Expences.

AND

AND be it Enacted, by the Authority aforesaid, That in any Action in a Court of Justice, or Dispute before a single Magistrate, between any Ordinary-keeper and any Person in this Act described, such Court, and the Jury, in any Tryal by a Jury, or single Magistrate, shall, by Virtue of this Act, consider and enquire, whether any Debt, so sued for, or claimed, before a single Magistrate, be contracted contrary to the true Intent and Meaning of this Act; and if it shall appear to such Court, Jury, or Magistrate, that such Debt was contracted contrary to this Act, that then the Plaintiff be nonsuit, and the Defendant recover his Cost of Suit; and that in Case any Action or Demand shall be brought, on any Obligation, under the Hand and Seal of any such Person, or upon any Note or Writing, under the Hand only of the Defendant or Debtor, or if any such Note shall be given in Evidence to support such Action or Demand, it shall and may be lawful for the Defendant or Debtor, in every such Action or Demand, to plead the General Issue, that he doth not owe, or did not assume to pay, such Debt or Claim; and that then, and in every such Case, Action, or Demand, it shall be incumbent on the Plaintiff to prove, for what Consideration such Obligation or Note was past; and if such Plaintiff does not prove the same not to have been past for some other Consideration than Liquor, or other Accomodations sold, or lost as aforesaid, or prove, that such Liquor, or Accomodations, was absolutely necessary, and not sold or furnished contrary to the true Intent and Meaning of this Act, the Plaintiff shall be nonsuit, and the Defendant shall recover the Cost of Suit.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That in case it shall appear to any Court or Magistrate, that any Part of any Account, to be sued for or demanded, or any Part of the Consideration, for which any Obligation or Note shall be taken or past, shall be for Liquor, or Accomodations, supplied, or sold, or any Money, Tobacco, or Liquor, won at Gaming, contrary to this Act, that then, and in every such Case, the Plaintiff shall recover only what shall appear to be due, exclusive of any Liquor, or other Accomodations, supplied or provided, contrary to this Act; and the Defendant shall be discharged from the Residue, and recover the full Costs of Suit; any Law, Usage, or Custom, to the contrary, notwithstanding.

AND be it further Enacted, That all Mortgages, Obligations, or other Securities, which shall be taken in Trust for any Ordinary-keeper, shall be absolutely void, unless such Mortgage, Obligation, or other Security, shall be assigned or transferred to any other Person, being a Stranger to such Trust, for a valuable Consideration; and in case of such Assignment, or Transfer, that such Trustee shall forfeit and pay double the Principal Sum mentioned in such Mortgage, Obligation, or Security; one Half to the Lord Proprietary, for the Use aforesaid, and the other Half to him or them who will sue for the same; to be recovered, by Action of Debt, Bill, Complaint, or Information, wherein no Effoyn, Protection, or Wager of Law shall be allowed. And for the better Discovery of such Trusts,

BE it Enacted, by the Authority, Advice, and Consent aforesaid, That every Trustee, or suspected Trustee, as aforesaid, shall be obliged, by Virtue of this Act, to answer Interrogatories upon Oath, or Affirmation, if a Quaker, concerning such Trust; which Examination shall be received as
 • Evidence

Evidence in any Tryal concerning such Trust: And if any such Trustee, or suspected Trustee, shall refuse to be so examined, such Refusal shall be deemed and taken to be sufficient Evidence to prove the Fact; and that every Trustee, or suspected Trustee, submitting to be, and being so examined, and not answering truly to such Interrogatories, and being thereof legally convicted, by Confession, or Verdict of a Jury, shall suffer as in Case of wilful and corrupt Perjury.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of the respective County Courts shall give this Act in Charge to the several Grand-Jurors, and to their several and respective Constables, in their said County, to enquire into the Breach of this Act, and into all Disorders committed in the said Ordinaries, and present the same, if any be, to the several Courts, to be examined, and punished, according to Law.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Ordinary-keeper shall, within Six Months after the Publication of this Act, set up, and constantly keep up and fixed, a printed Copy of this Act, in the most convenient Part of his or her House, to be read by all Persons, for their better Information, on Pain of forfeiting Five Pounds Current Money, for the Use aforesaid; to be recovered in the County Court, as aforesaid.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That an Act of Assembly, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Eighth Day of October, One Thousand Seven Hundred and Twelve, entituled, An Act, Restraining Victuallers, and Keepers of Publick Houses, from Entertaining of Sailors, to the Prejudice of Trade and Commerce, be, and is hereby repealed, abrogated, and made null and void.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly, which shall happen after the Expiration of the said Three Years.

An Act, empowering the Rector, Vestrymen, and Churchwardens, of King and Queen Parish, in St. Mary's and Charles Counties, to purchase Two Acres of Land, in the said Parish, in St. Mary's County, to build a Church on; and for raising a Fund, as well to compleat the said Purchase, and Building, as to repair Newport Church, in Charles County, within the said Parish.

WHEREAS it is represented and made appear to this present General Assembly, by the Rector, Vestrymen, and Churchwardens, of King and Queen Parish, lying in St. Mary's, and Charles Counties, that Busbwood Church, in the said Parish, is not only situate in a remote Corner thereof, but is so far decayed, that it cannot be repaired, without greater Expences to the Parishioners than the Building a new One; and

that *Newport Church*, in the said Parish, stands in Need of very considerable Repairs, the Expences whereof cannot be discharged but by an Act of Assembly, for those Purposes made; which they have prayed may be Enacted:

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Rector, Vestrymen, and Churchwardens, or the major Part of them, be and are hereby authorized and impowered, to agree for, and purchase, Two Acres of Land, in the most convenient Part of St. Mary's County, which is in the said Parish; to be determined at a Meeting at Chaptico, of the Freeholders living in the said Parish, at a Time to be appointed by the Rector, giving publick Notice in the Church, during the Time of divine Service, the Two Sundays next preceding the Time so to be appointed, and to cause a new Brick Church to be built thereon; which said Church, so to be built thereon, when it is finished, shall be called Christ-Church.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of St. Mary's and Charles County Courts, shall and may, and they are hereby authorized and directed, on the Application of the Vestrymen and Churchwardens of the aforesaid Parish, to assess and levy on the taxable Inhabitants of the same Parish, the Sum of Five Hundred Pounds Current Money, to be paid by the Parishioners, by the Tenth Day of April, Yearly, to purchase Two Acres of Land, in that Part of the Parish which lies in St. Mary's County, and thereon to erect and build a new Church, and to repair Newport Church, in the same Parish: Which said Assessment, so to be levied, shall be paid at Three several Collections to the Sheriffs of St. Mary's, and Charles Counties, for the Time being, who are hereby authorized and required to collect the same; and shall have, for such Collection, after the Rate of Five per Cent. And the said Money, when so collected, shall be paid to the Vestrymen and Churchwardens aforesaid, who are hereby authorized and required to apply the same to the Uses aforesaid.

An Act for Licensing Pedlars, and Hawkers.

W H E R E A S sundry Persons, called Pedlars, Hawkers, or Petty-Chapmen, going from Town to Town, or to other Mens Houses, and travelling either on Foot, or with Horse or Horses, or otherwise, carrying to sell or exposing to Sale, divers Goods, Wares, and Merchandises, do frequently purchase, from Servants and dissolute Persons, stolen Goods; and also do export out of this Province, great Quantities of Furs, Skins, and Feathers, to the great Damage of the Inhabitants thereof:

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Tenth Day of June next, it shall not be lawful for any Pedlar, Hawker, or Petty-Chapman, to trade, vend or sell any Goods whatsoever within this Province, without first having obtained a Licence to trade

trade in this Province, as a Pedlar, Hawker, or Petty-Chapman, from some Naval-Officer within this Province: And that the Person applying for such Licence to any Naval-Officer, shall enter into Bond, with Two sufficient Sureties, to His Lordship the Right Honourable the Lord Proprietary, His Heirs and Successors, in the Sum of One Hundred Pounds, Current Money, with Condition, that such Pedlar, Hawker, or Petty-Chapman, be of good Behaviour for One Year ensuing the Date of the said Bond; and that such Pedlar, Hawker, or Petty-Chapman, shall not purchase any Furs, Skins, or Feathers, within this Province, by himself, or any other Person, with Intention to transport the same to any other Plantation; nor that he shall, by himself, or other Person, transport, or cause to be transported, on any Occasion whatsoever, out of this Province, (save to *Great-Britain* only) any Furs, Skins, or Feathers; and also, that such Pedlar, Hawker, or Petty-Chapman, shall in all Things observe, perform, and keep, what by this Law is enjoined: And that thereupon the said Naval-Officer shall grant the said Person a Licence to vend and dispose of Goods in this Province, as a Hawker, Pedlar, or Petty-Chapman, for One Year.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That before any Naval-Officer shall grant Licence to any such Pedlar, or Hawker, or Petty Chapman, to trade within this Province, such Naval-Officer shall receive and take, from such Pedlar, Hawker, or Petty Chapman, the Sum of Five Pounds, Current Money; to be paid to His Lordship, His Heirs and Successors, for the Support of Government; and for the granting such Licence, and taking Bond, as aforesaid, the Naval-Officer taking such Bond, and granting such Licence, shall and may take, as a Fee, the Sum of Ten Shillings, Current Money of *Maryland*, and no more.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons, trading as a Pedlar, Hawker, or Petty Chapman, shall and is hereby obliged, on Demand of any Justice of the Peace, Constable, or other Officer of the Peace, within this Province, to produce and shew to such Justice of the Peace, Constable, or other Officer of the Peace, his Licence to trade, and permit the same to be read; and that in case such Pedlar, Hawker, or Petty Chapman, shall refuse or delay to do the same, then such Pedlar, Hawker, or Petty Chapman, shall forfeit and pay the Sum of Five Pounds for every such Offence; the one Moiety thereof to His Lordship, for the Support of Government, the other Moiety to him or them that will sue for the same: To be recovered in any County Court within this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoyn, Protection, or Wager of Law shall be allowed.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That if any such Hawker, Pedlar, or Petty Chapman, from and after the Tenth Day of *June*, next ensuing, be found trading, as aforesaid, without, or contrary to such Licence, such Person shall, for each and every such Offence, forfeit the Sum of Fifty Pounds; the one Moiety to the Informer, and the other Moiety to His Lordship, for the Support of Government: To be recovered in any County Court within this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoyn, Protection, or Wager of Law shall be allowed. *AND*

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That in case any Person or Persons shall presume to forge any such Licence, he shall be punish'd by a Fine of Fifty Pounds Current Money of Maryland; the one Moiety thereof to His Lordship, for the Support of Government, the other Moiety to him or them that shall give Information thereof; to be recovered in any County Court as aforesaid: And further, That he be adjudged to be whipped and pillor'd, according to the Direction of such Court before whom his Conviction shall be.

PROVIDED always, and it is hereby further Enacted, That nothing herein contained shall extend, or be construed to extend, to hinder any Person or Persons, from selling, or exposing to Sale, any Goods or Merchandizes in any publick Market or Fair within this Province; but that such Person or Persons may do therein as they lawfully might have done before the making this Act; any thing herein contain'd to the contrary, notwithstanding.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall not be lawful for any Person or Persons whatsoever, to transport out of this Province, either by Land or by Water (save to Great-Britain,) any Furs, Skins, or Feathers, on any Pretence whatsoever; under the Penalty of forfeiting the Sum of Two Shillings Current Money, for every Pound Weight so transported; the one Moiety thereof to His Lordship, for the Support of Government, the other Moiety to him or them that shall sue for the same: To be recovered in any County Court within this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoyn, Protection, or Wager of Law shall be allowed.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years.

An Act for raising Three Pence per Hogshead on all Tobacco to be exported, for purchasing Arms, and Ammunition, for the Defence of this Province.

***B**E it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That there shall be levied, collected and raised, a Duty or Impost of Three Pence Sterling for every Hogshead of Tobacco which shall be laden on board any Ship, or other Vessel, to be exported out of this Province, and not cleared at some Naval-Office, 'til after the first Day of May next, to be collected and received by the several and respective Naval-Officers, in the same Manner as other Duties on Tobacco now due and payable are collected and received; which said Duty shall be disposed of, for the purchasing Arms, and Ammunition, for the maintaining a Magazine, for the better Defence of this Province, and for the due Preservation thereof; and paid to the Treasurer or Treasurers of this Province, for the Time being,*
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to be disposed of to the Uses aforesaid, as the Governour and Council, for the Time being, shall direct : For the Collection whereof, the Naval-Officers shall be allowed the Sallary of Eight *per Cent*, and no more.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

An Act, Rrepealing an Act, intituled, An Act against Ingrossers and Regrators.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly, intituled, *An Act against Ingrossers and Regrators*, made at a Session of Assembly, begun and held at the City of *Annapolis*, in the County of *Anne-Arundel*, on the Tenth Day of July, *Anno Domini*, One Thousand Seven Hundred and Twenty Nine, be and is hereby repealed, made void, and of none Effect.

An Act, Reviving and Continuing the Acts therein mentioned.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly, intituled, *An Act to encourage the making of Linnen Cloth within this Provicne, or Flax, or Hemp, of the Growth thereof*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Thirteenth Day of July, *Anno Domini* One Thousand Seven Hundred and Thirty One : Also, *A supplementary Act to the same*, made at a Session of Assembly held at the same City, on the Eleventh Day of July, *Anno Domini* One Thousand Seven Hundred and Thirty Two, be and are hereby revived and continued in full Force from and after the End of this present Session of Assembly, for and during the Term of Three Years, and to the End of the next Session of Assembly, that shall happen after the said Three Years.

An Act, Reviving an Act of Assembly, intituled, An Act for the Relief of Prisoners for Debt.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mention'd Act, intituled, *An Act for the Relief of Prisoners for Debt*, made at a Session of Assembly, begun and held at the City of *Annapolis*, the Thirteenth Day of March, *Anno Domini* Seventeen Hundred and Thirty Two, be and is hereby revived, and shall be in Force, from and after the End of this Session of Assembly, for Six Months.

*An Act to prevent the injuring Harbours within this Province ;
and for repealing the Act therein mentioned.*

WHEREAS, notwithstanding the Laws heretofore made for the Preservation of Harbours and Landing-Places, within this Province, Masters of Ships and Vessels, and others, having the Charge or Command of Ships and Vessels, have caused or suffered great Quantities of Ballast, from on board their Ships and Vessels, to be thrown into the Rivers and Harbours within this Province ; whereby many safe and very good Harbours are already spoiled, or rendered dangerous ; which Practice, if not timely prevented, will be very hurtful to the Trade and Navigation of *Great-Britain*, and entirely destructive to the Trade and Navigation of this Province. And whereas the said pernicious Practices have been continued and carried on, because, by the Laws heretofore made, Masters of Ships and Vessels, or other Persons who have had the Charge and Command of Ships and Vessels, and who therefore might and ought to have prevented the said mischievous Custom, have not been subject to any Penalty for neglecting their Duty therein : Wherefore it is prayed that it may be Enacted :

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Publication of this Act, if any Ballast shall be taken, unladen, or cast out of any Ship, or other Vessel, on any Pretence whatsoever, within the Limits hereafter mentioned, but in the Day Time, That is to say, between the Rising and Setting of the Sun ; or if any Ballast shall be unladen, or taken out of any Ship or Vessel in the Bay of Chesapeake, above Cedar-Point, below the Mouth of Patuxent River, or in any River, Creek, or Harbour, within this Province, and cast into the Bay above Cedar-Point aforesaid ; or into any River, Creek, or Harbour, below High-Water Mark, that the Master, or other Person, having the Charge or Command of such Ship or Vessel, shall forfeit and pay the Sum of Fifty Pounds Current Money ; One Half thereof to the Lord Proprietary, for the Support of Government, the other Half to him or them that will sue for the same : To be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information ; wherein no Essoyn, Protection, or Wager of Law to be allowed.

AND be it Enacted, by the Authority aforesaid, That no Person whatsoever, shall presume to build any Ware, or Hedge, cross any River, Creek, or Branch, below any publick Landing-Place, so as to prejudice or dam up the Channel, or to obstruct the Passage of Boats, on Pain of forfeiting Ten Pounds Current Money of Maryland : To be recovered in the County Court, by Action of Debt, Bill, Plaint, or Information ; wherein no Essoyn, Protection, or Wager of Law, shall be allowed.

AND to the End that all Masters, and other Persons, having the Charge or Command of Ships or Vessels, may have due Notice of this Act, and not pretend Ignorance, Be it Enacted, by the Authority aforesaid, That every Naval-Officer within this Province, shall set up and keep fixed in some publick Place in his Office, a Copy of this Act ; (for which Copy the said Naval-Officers, shall be allowed Ten Shillings in the publick

lick Levy,) on Pain of forfeiting Ten Pounds Current Money of Maryland, to be recovered as aforesaid, to the Uses aforesaid.

AND be it further Enacted, That an Act, intituled, An Act for the Preservation of the several Harbours within this Province, made at an Assembly held at Annapolis, the Fifth Day of December, in the Year of Our Lord Seventeen Hundred and Four, shall be, and is, by Virtue of this Act, repealed and abrogated. This Act to continue for Three Years, and until the End of the Session of Assembly which shall next happen after the End of the said Three Years.

An Act to supply some Defects in an Act, intituled, An Additional and Supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs.

WHEREAS, by the above mentioned Supplementary Act, the several County Courts in this Province are impowered, on the Neglect or Refusal of Principals, in the Bonds of Executors, Administrators, or Guardians, to counter-secure their Sureties in those Bonds, to order the Estate, for the Administration or Payment whereof the said Sureties shall be bound, or such Part thereof as shall be left in the Hands of the said Executors, Administrators, or Guardians, to be delivered into the Hands of their Sureties, or their Representatives, who are impowered, by Process of Attachment and Distress, to take and possess themselves of the same, which Possession is made a Discharge to the Executor, Administrator, or Guardian, therefrom; and yet the said Sureties, or their Representatives, are not required to give any Security for the due Payment or Delivery of the same, according to Law, whereby the Loss of the Estates of Infants, Persons absent, and others, may be greatly endangered: For Remedy whereof,

BE it Enacted, by the Right Honourable the Lord Proprietary of this Province, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Order of a County Court for the Delivery of an Estate into the Hands of any Surety or Sureties, or any of their Representatives, by Virtue of the said Act, shall in any Manner be pursued, obeyed, or executed, or any Process thereon be issued, before the said Surety or Sureties, or their Representatives, obtaining such Order, have entered into a Bond or Recognizance, to the Right Honourable the Lord Proprietary of this Province, before that Court, with Two sufficient Sureties, in such Sum as the same Court shall judge necessary, under Condition to be void, on the said Sureties, or their Representatives, their Delivery or Payment of all Goods and Chattels which shall come to their Possessions by Virtue of or under such Order, or the Value of them, as the Laws of this Province do require, to any Person or Persons who have Right to demand the same, when they shall be thereunto lawfully required.

AND be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every such Surety and Sureties, and every of their Representatives, that have at any Time heretofore,
by

by Order of any of the County Courts of this Province, taken and possessed themselves of all or any Part of the said Estate, for the Administration or Payment whereof the said Sureties have been bound, and not given any Security for the due Payment or Delivery of the same, according to Law, shall be compelled by the Justices of the respective County Courts, by Summons, Attachment, and Distress, to enter into Bond or Recognizance, to the Right Honourable the Lord Proprietary, with Two sufficient Sureties, in such Sum as the same Justices shall judge necessary, under Condition to be void, on the said Sureties, or their Representatives, their Delivery or Payment of all Goods and Chattels which have come to their Possessions by Virtue of or under any such Order, or the full Value of them, as the Laws of this Province do require, to any Person or Persons who have a Right to demand the same, when they shall be thereunto lawfully required: Which Recognizances or Bonds shall be filed or lodged in the Court wherein they are made, and shall be assignable to, and may be sued by any Person or Persons who shall be injured by the Non Performance of their several Conditions, in such Manner as Testamentary or Administration Bonds now are assigned and sued; any Law, Usage, or Custom, to the contrary, notwithstanding.

An Act for Reviving an Act of Assembly, intituled, An Act for the Advancement of Justice: As also, An Act of Assembly, intituled, A Supplementary Act to the Act for Advancement of Justice.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act of Assembly, intituled, *An Act for the Advancement of Justice*, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Third Day of September, Anno Domini Seventeen Hundred and Twenty Three: As also, the above mentioned Act of Assembly, intituled, *A Supplementary Act, to the Act, intituled, An Act for the Advancement of Justice*, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty First Day of May, Anno Domini Seventeen Hundred and Thirty, be and are hereby revived, and shall be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly that shall happen after the End of the said Three Years.

An Act Continuing and Reviving the several Acts therein mentioned.

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act, intituled, *An Act for relieving the Inhabitants of this Province, from some Aggrievances in the Prosecution of Suits at Law*, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Second Day

Day of June, Anno Domini Seventeen Hundred and Fourteen. : And one other Act, intituled, *A supplementary Act, to the Act for relieving the Inhabitants of this Province, from some Aggrievances in the Prosecution of Suits at Law*, made at a Session of Assembly, begun and held at the City of Annapolis, the Third Day of October, Anno Domini Seventeen Hundred and Twenty Eight, shall be and are hereby revived and continued in full Force, for and during the Term of Three Years next ensuing; and to the End of the next Session of Assembly, that shall happen after the End of the said Three Years.

An Act for Limitation of the Time of shipping Tobacco.

WHEREAS Tobacco, the only Staple of this Province, and the principal Dependence and Support of its Inhabitants, hath been generally for many Years past, shipped very late in the Summer, to their great Damage, and the Detriment of the Navigation of Great-Britain:

FOR Prevention whereof for the future, *Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same*, That all Persons making or shipping Tobacco, within this Province, after the Twenty Fifth Day of December next, during the Continuance of this Act, that shall ship any Tobacco between the last Day of August, and the Twenty Fifth Day of November then next, in any Year, shall forfeit such Tobacco, or the full Value thereof; One Moiety to His Lordship, His Heirs and Successors, and the other Moiety to him, her, or them, that will sue for the same: To be recovered in the proper County Court, by Action of Debt, Bill, Plaint, or Information; wherein no Effoyn, Protection, or Wager of Law shall be allowed.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That if any Master of a Ship, or other Sea Vessel, within this Province, or any other Person, between the said last Day of August, and the Twenty Fifth Day of November, in any Year, during the Continuance of this Act, shall receive, take, and put on board such Ship or Sea Vessel, any Hogshead or Hogsheads of Tobacco, every such Master shall incur the Forfeiture and Penalty of Fifty Shillings Current Money, for every Hogshead of Tobacco which shall be received, taken, or put on board by the said Master, or any other Person; One Moiety of the said Penalty to the said Lord Proprietary, His Heirs and Successors, the other Half to the Informer, or him, her, or them, that will sue for the same: To be recovered before a single Magistrate, as in Case of small Debts, where the Sum does not exceed Fifty Shillings: And where the Fine exceeds Fifty Shillings, to be recovered in the proper County Court, by Action of Debt, Bill, Plaint, or Information; wherein no Effoyn, Protection, or Wager of Law shall be allowed.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly, which shall happen after the Expiration of the said Three Years.

An Act for applying the Duty of Three Pence per Hogshead, raised by the Act herein mentioned.

WHEREAS by an Act of Assembly, made at a Session of Assembly, held at the City of *Annapolis*, the Eleventh Day of *July*, *Anno Domini* One Thousand Seven Hundred and Thirty Two, intituled, *An Act for laying an Imposition of Three Pence per Hogshead, on all Tobacco to be Exported out of this Province, for the Time therein mentioned*, it was Enacted, That for all Tobacco that should be Exported out of this Province, from the Twenty Ninth Day of *September* then next following, until the Twenty Ninth Day of *September*, which should be in the Year of our Lord Seventeen Hundred and Thirty Three, there should be raised, collected, and paid, to the several Naval-Officers within this Province, Three Pence *Sterling*, in Specie, or good Bills of Exchange, for every Hogshead of Tobacco; and Three Pence *Sterling*, for every Six Hundred Pounds of Tobacco in any other Package than Hogsheads, and in Proportion for any other Quantity; which Duty was by the said Act to be applied and disposed of in such Manner as should be directed and appointed by the Governour, or President for the Time being, and the Upper and Lower Houses of Assembly, and not otherwise; which Money so raised, now remaining in the several Treasurers Hands, and this General Assembly taking into their Consideration the Necessity of supplying the Province with such a Quantity of Arms and Ammunition the said Moneys will purchase:

BE it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several Treasurers of this Province do, and they are hereby directed and required to pay, or cause to be paid, to His Excellency Samuel Ogle, Esq; our present Governour, all such Moneys as have been raised by the said Duties; which Money, so paid, shall be laid out and applied as soon as conveniently may be, in the Purchase of such Arms and Ammunition, as his said Excellency shall think necessary and wanting for the Defence of this Province.

An Act to enable the Secretary of this Province, for the Time being, to Record and Enter up the Proceedings of the Provincial Court, which were omitted to be done during the Continuance of Vachel Denton in the Office of Clerk of the said Court.

WHEREAS it appears to this present General Assembly, on Inspection into the Records and Proceedings of the Provincial Court Office, that there are sundry Judgments, and other Matters, the Proceedings of the same Court, for a considerable Space of Time, whilst *Vachel Denton* was Clerk of the said Court, which have been omitted to be entered up among the Records of the same Court.

AND

AND whereas the said *Vachel Denton* has been for some Time removed from the said Office, whereby it is become doubtful, whether the same Judgments, and other Proceedings, omitted to be entered up, may be now done without an Act to be passed for that Purpose: For Removing which Doubts, and to aid all Defects by such Omission, it is prayed that it may be Enacted;

AND be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Secretary of this Province, for the Time being, shall be and is hereby authorized and impowered, with all convenient Speed, to employ any Person or Persons, for the entering up and finishing, or causing to be entered up and finished, at the proper Cost and Charges of the said *Vachel Denton*, all the Judgments, Orders of Court, and other Proceedings of the said Provincial Court, which were omitted to be entered up and recorded, during the said *Vachel Denton* his Continuance in the Office of Clerk of the same Court. And the aforesaid Secretary, His Executors or Administrators, in Default of the said *Vachel Denton*, his Executors or Administrators, making unto the said Secretary, his Executors or Administrators, a reasonable Satisfaction, in Current Money of this Province, for the Services aforesaid to be done and performed, in and about the Premises, shall and may, by Virtue of this Act, sue for, and recover the same, with Costs of Suit, by an Action of Trespass upon the Case; to be prosecuted in the proper Court against the said *Vachel Denton*, his Executors or Administrators, declaring therein against him, her, or them, for Services done and performed for the said *Vachel Denton*, without setting forth the Special Matter.

AND be it further Enacted, by the Authority, Advice, and Consent aforesaid, That before any Person or Persons, who shall be employed by the said Secretary, for the Purposes aforesaid, do enter upon the Duty aforesaid, he or they shall take the following Oath; to be administered by any Magistrate of the Provincial Court, who shall certify the same to the Clerk of the said Court, who is hereby obliged to enter the same on Record, viz.

I A. B. do swear, That such Judgments, Orders, and Proceedings of the Provincial Court, as I shall enter up, I will truly and faithfully record and enter up, according to the Original Papers, Dockets, Entries, and Minutes of the Proceedings of those Courts which I shall record and enter up; and that I will do the same according to the best of my Ability, Skill, and Knowledge, without Favour, Affection, or Partiality.

So help me God.

AND be it likewise Enacted, by the Authority, Advice, and Consent aforesaid, That after the same Entries and Records shall be made up and completed, or any of them, they, and each of them, shall be as good and available in Law, to all Intents, Constructions, and Purposes whatsoever, as if the same had been entered up and recorded by the said *Vachel Denton*, during his Continuance in the Office of Clerk of the Provincial Court aforesaid; and all and every Person or Persons whatsoever, entitled to any Benefit by them, shall have and receive the same Advantage and Remedy,

dy, and Transcripts of the same, under Seal of the same Court, shall be as good Evidence and available in Law, as if the same had been entred up and recorded on the said Provincial Records, during the Continuance of the said *Vachel Denton* in the said Office; any Law, Usage, or Custom, to the contrary, notwithstanding.

An Act for taking out of the Office of the Commissioners or Trustees, for Emitting the Bills of Credit, the several Sums herein mentioned; and for Repaying the same into the said Office, by the several Treasurers of this Province.

W H E R E A S the Arrears due from the Publick, are, by the Non-payment thereof, for these Three Assemblies past, so greatly increased, that a Tax for the Payment of the same, would be very inconvenient, and too burthensome to the People; wherefore it is necessary to take out of the Office of the Commissioners or Trustees, for Emitting the Bills of Credit, so much Money as will be sufficient for the Paying the whole Demand now due from the Publick:

B E it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the said Commissioners or Trustees do, and the said Commissioners or Trustees are hereby required and authorized, immediately to pay to the several Persons, who have at present any Demands upon the Publick, the several Sums of Money due to such Persons, as they shall appear to be stated and ascertained by a Report of a Committee of both Houses of this present Assembly, and assented to by both Houses.

A N D be it further Enacted, by the Authority aforesaid, That within Six Months from the End of this present Session of Assembly, the said Commissioners or Trustees shall send or deliver to the several Treasurers of this Province, the total and just Sum of such Moneys as they do and are hereby required to pay, by Virtue of this Act; as also the Charges of Commission, allowed to the said Commissioners or Trustees, by this Act, for Paying and Receiving the same: Which said Sum or Sums, the said Treasurers, or either of them, are hereby required and authorized to pay to the said Commissioners or Trustees, as soon as conveniently may be, out of the Moneys which they or either of them have received, or shall receive, payable in Bills of Credit, for any Duties, Imposts, or Customs, imposed by any Acts of Assembly of this Province; so that the said Sum or Sums may be fully replaced and paid into the said Office, according to the Intent of this Act.

*A N D be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the said Commissioners or Trustees, for their Trouble in putting this Act in Execution, are hereby authorized, to take to their own Use, the Sum of Two and a Half Pounds *per Cent.* for all the Moneys which shall be paid or received by them, by Virtue of this Act; and *pro rato*, for any lesser Sum.*

An Act for Defraying the Publick Charge of this Province.

FORASMUCH as it is thought convenient by this General Assembly, That the Publick Charges of this Province now due, which amount in the whole to Five Thousand One Hundred and Fifty Seven Pounds Fifteen Shillings and Eight Pence, should be paid in Current Money:

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour; and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for the several Treasurers of this Province, the Honourable Benjamin Tasker, Esq; and the Commissioners or Trustees, for Emitting the Paper Money, to pay unto the several Persons mentioned in the Journal of the Committee of both Houses, appointed to proportion and direct the Payment of the Money due from this Province, the several Sums of Money to the said several Persons directed and ordered by the said Journal; that is to say, Samuel Young, Esq; Treasurer of the Western Shore, the Sum of Thirteen Hundred Forty Seven Pounds, Fourteen Shillings and Eleven Pence. James Holliday, Esq, Treasurer of the Eastern Shore, the Sum of Eight Hundred Forty Four Pounds, Twelve Shillings and Seven Pence. Benjamin Tasker, Esq; the Sum of Thirteen Hundred Fifty Eight Pounds, Six Shillings and Eight Pence. And the Commissioners, or Trustees, for emitting the Paper Money, the Sum of Sixteen Hundred and Seven Pounds, One Shilling and Six Pence. And that such Payments shall discharge the said Treasurers, Benjamin Tasker, Esq; and the Commissioners or Trustees, for Emitting the Paper Money, of all Demands whatsoever, for such Money as shall be by them respectively so paid; any Law, Usage, or Custom to the contrary, notwithstanding.

An ACT to cut off the Entail of Two Tracts of Land in Baltimore County, the one called Morning's Choice, the other called Morning's Choice Addition: And to Entail, in Lieu thereof, Part of Vulcan's Rest, in Cæcil County. Private.

An ACT to confirm the last Will and Testament of Rebecca Calvert, Widow, deceased, who was the Relict and Administratrix of the Honourable Charles Calvert, Esq; deceased; and to enable the Executors therein named, to execute the said Testament, according to the true Intent thereof. Private.

An ACT to aid the Defect in the Certificate of Acknowledgment of a certain Deed of Conveyance, made, and executed, by and between William Pile, of Prince George's County, Gent. and Elizabeth his Wife, of the one Part, and Thomas Marshal, of the County aforesaid, of the other Part, of Part of a Tract of Land lying in the said County, called Carrick. Private.

An ACT to confirm a Deed of Mortgage, already Recorded, from a certain Thomas Howell, of Kent County, to Edward Beck, of the said County, Attorney in Fact, for a certain Casper Hoodt. Private.

A T A B L E of the Acts pass'd this Session.

- An ACT to adjourn the Courts of Assize, Nisi Prius, and Goal-Delivery, Provincial Court ; and to continue the Process and Proceedings in some of the County Courts within this Province ; and to enlarge the Time for taking out Executions.* Page 3.
- An ACT for explaining and carrying into Execution, An Act, intituled, An Act for laying out and applying Three Thousand Five Hundred Pounds, Current Money of Maryland, to the Uses therein mentioned.* Page 5.
- An ACT for relieving sundry Inhabitants in this Province from the Charges of Prosecutions for not burning Tobacco, in Pursuance of an Act of Assembly, intituled, An Act for Emitting and making Current, Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit.* Page 6.
- A Supplementary ACT, to the Act, intituled, An Act laying an Imposition on Negroes, and on several Sorts of Liquors imported : And also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.* Page 7.
- An ACT for Naturalization.* Page 8.
- An ACT concerning Ordinaries ; and for the better Regulating of Innholders, and Ordinary-keepers, within this Province.* Page 9.
- An ACT empowering the Rector, Vestrymen, and Churchwardens, of King and Queen Parish, in St. Mary's and Charles Counties, to purchase Two Acres of Land, in the said Parish, in St. Mary's County, to build a Church on ; and for raising a Fund, as well to compleate the said Purchase, and Building, as to repair Newport Church, in Charles County, within the said Parish.* Page 15.
- An ACT for Licensing Pedlars, and Hawkers.* Page 16.
- An ACT for raising Three Pence per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition, for the Defence of this Province.* P. 18.
- An ACT, Repealing an Act, intituled, An Act against Ingrossers and Regrators.* Page 19.
- An ACT, Reviving and Continuing the Acts therein mentioned.* Page 19.
- An ACT, Reviving an Act of Assembly, intituled, An Act for the Relief of Prisoners for Debt.* Page 19.
- An ACT to prevent the injuring Harbours within this Province ; and for repealing the Act therein mentioned.* Page 20.
- An ACT to supply some Defects in an Act, intituled, An Additional and Supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs.* Page 21.
- An ACT for Reviving an Act of Assembly, intituled, An Act for the Advancement of Justice : As also, An Act of Assembly, intituled, A Supplementary Act to the Act for Advancement of Justice.* Page 22.
- An ACT Continuing and Reviving the several Acts therein mentioned.* P. 22.
- An ACT for Limitation of the Time of shipping Tobacco.* Page 23.
- An ACT for applying the Duty of Three Pence per Hogshead, raised by the Act therein mentioned.* Page 24.
- An Act to enable the Secretary of this Province, for the Time being, to Record and Enter up the Proceedings of the Provincial Court, which were omitted to be done during the Continuance of Vachel Denton in the Office of Clerk of the said Court.* Page 24.
- An ACT for taking out of the Office of the Commissioners or Trustees, for Emitting the Bills of Credit, the several Sums herein mentioned ; and for Repaying the same into the said Office, by the several Treasurers of this Province.* Page 26.
- An Act for Defraying the Publick Charge of this Province.* Page 27.



